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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,403	05/04/2001	Lue Attimont	Q64336	7704

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EXAMINER

SEFCHECK, GREGORY B

ART UNIT PAPER NUMBER

2662

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/848,403	<b>Applicant(s)</b> ATTIMONT ET AL.	
	<b>Examiner</b> Gregory B. Sefcheck	<b>Art Unit</b> 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/4/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.
  - Claim 1 fails to show ordered steps necessary for performing a method of managing a voice mode conference call.
  - Claims 2-4 are rejected due to their dependence from claim 1.
3. Claims 1-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the compressed signals" on lines 8-9 of the claim. There is insufficient antecedent basis for this limitation in the claim.
  - Claims 2-4 are rejected due to their dependence from claim 1.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Smyth et al. (US006697342B1), hereafter Smyth.

- In regards to Claims 1 and 4,

Smyth discloses a conference circuit and method for managing a voice mode conference call between a plurality of terminals (Title; Abstract; Col. 3, lines 11-13; claim 1 – method of managing a voice mode conference call; claim 4 – conference unit enabling simultaneous communication between a plurality of terminals).

Referring to Fig. 4, Smyth shows that the terminals are organized to communicate with each other through IP network 50 (Col. 3-4, lines 65-18; claim 1,4 – user terminals organized so that they can communicate with each other in packet mode by means of IP or equivalent protocol).

Smyth discloses the conference system 40 receives a signal from each conferee and the conferee whose received signal is at the highest volume is selected to be broadcast to the other terminals (Col. 2, lines 10-23; Col. 3, lines 10-25; Col. 4, lines 9-

18; claim 4 – one at a time configuration, only one of the terminals' signals is selected at a time to be broadcast to the other terminals; claim 1 – receive a signal from each of the terminal participating in the call; claim 1 – broadcast the signal from a temporarily chosen terminal to the other terminals; claim 1,4 – regular and transparent detection of voice activity in the signals determines the received signal whose energy level is highest at a given time, as defined by voice coding parameters for each signal included in the packets).

- In regards to Claims 3 and 5,

Smyth discloses a conference circuit and method that covers all limitations of the parent claim.

Smyth shows that the voice activity detection function used in the disclosed system and method will temporarily maintain the transmission of a first terminal that has been broadcasting as the selected terminal having the highest volume even if the signal from a second terminal reaches a higher volume level, as long as the level difference between the two terminals is below a threshold (Col. 2, lines 42-57; Col. 3, lines 26-32; claim 3,5 – employing a voice activity detection function including a threshold hysteresis for temporarily favoring a terminal whose signal was broadcast because it had the highest energy level if the signal from another terminal reaches a higher energy level).

- In regards to Claim 7,

Smyth discloses a conference circuit and method that covers all limitations of the parent claim.

Referring to Fig. 1, Smyth shows that the conference system 40 may be incorporated as a telecommunications network node (claim 7 - conference unit incorporated in telecom network node).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyth in view of Koodli (US006608841B1).

- In regards to Claim 2,

Smyth discloses a conference circuit and method that covers all limitations of the parent claim. It is inherent that Smyth detects voice activity in a useful real time protocol part of the received IP packets (claim 2 – voice activity is detected in a useful real time protocol part of the respective received packets from each terminal).

Smyth discloses that, since transmission over IP network 50 is asynchronous, the signals from each conferee are reordered upon receipt at the conference system 40.

Smyth does not explicitly disclose determining the proper order of received packets for each user by using time stamps individually assigned to the packets.

Koodli discloses the use of time stamps within the header of packets communicated during IP conferencing (Fig. 3; Koodli Claim 14; claim 2 – time stamps individually assigned to the packets enable packets having identical, or nearby and quasi-identical time stamps given the scale of the detection function, to be determined).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize time stamps, as shown by Koodli, in the conference circuit and method of Smyth. Time stamps are known in the art to enable a receiving entity to place received packets received at different times into a proper order. The use of time stamps in the circuit and method of Smyth would enable voice detection functions to be applied properly to packets of voice signals spoken by multiple conferees at the same time.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyth in view of Foster et al. (US006466550B1), hereafter Foster

- In regards to Claim 6,

Smyth discloses a conference circuit and method that covers all limitations of the parent claim.

Smyth does not explicitly disclose the conference unit incorporated in a user terminal.

Foster discloses a distributed conferencing system utilizing data networks (Title). Foster shows that the system comprises conference units incorporated in each user's terminal (Fig. 2; claim 6 – conference unit incorporated in user terminal).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the conference unit of Smyth in a user's terminal, as shown by Foster. This would enable the functions of the conference unit to be performed directly at the user premises. This incorporation would also prevent the user signal from having to be communicated across the IP network 50 before it is processed.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyth in view of Summers et al. (US006876734B1), hereafter Summers.

- In regards to Claim 8,

Smyth discloses a conference circuit and method that covers all limitations of the parent claim. Smyth shows that the conference system 40 is connected to the shared telecom link IP network 50.

Smyth does not explicitly show connection to a shared telecom link forming a loop LAN.

Summers discloses Internet-enabled conferencing incorporated in connection to a shared communication link forming a LAN (Fig. 1; Col. 3-4, lines 47-25; claim 8 -

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conference unit incorporated in unit connected to shared telecom link forming a loop LAN).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the conference circuit and system of Smyth connected to a shared telecom link forming a loop LAN, as shown by Summers. A packet-based LAN network for communicatively coupling a specific group of users would be an ideal environment for implementing the packet-based conference circuit and method of Smyth.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Kung et al. (US 20040228336A1) discloses a personal IP toll-free number
- Bradley et al. (US 20030125954A1) discloses a system and method at a conference call bridge server for identifying speakers in a conference call
- Surprenant et al. (US 20010050918A1) discloses systems and methods for multiple mode voice and data communications using intelligently bridged TDM and packet buses and methods for performing telephony and data functions using the same

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS  
5-23-2005



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